



Land Use and Zoning Meeting Minutes

February 19, 2015

STAFF:	David Radachy
DATE:	February 20, 2015

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Constantine, Kenyon, Klco, Terriaco, Valentic and Welch and Ms. Diak. Staff: David Radachy.

Mr. Radachy stated that there are three cases this evening. One district change and two text amendments from Painesville Township.

Painesville Township – District Amendment, 22.095 Acres B-1 and R-1 to FPUD

Staff stated that the property that the zoning district change was being asked for is located on Mentor Avenue in western Painesville Township. He showed Fairfield Road and Mentor Avenue on an airphoto of the site. Staff stated that request involves 22.095 acres of land and it involves three parcels, two of which were occupied by single family units and one that is vacant. Staff stated that this site should look familiar, it was the same site that Redwood Development requested become R-4, Multi-Family in April 2014.

Staff also showed the zoning map and how the land in the front was zoned B-1 and the land in the rear was zoned R-1. Staff also showed a land use map of the area and there were several condominiums in the general area and the land being considered for rezoning was being shown as agriculture because it was formally a nursery.

Staff proceeded to show the comprehensive plan map of the site. The Comprehensive Plan showed the site as a possible park location. He also showed the housing unit table from the 2007 Comprehensive Plan. It showed that the census tract where this proposed FPUD is located has single family detached housing as being 49.1% of the tract. 46.4% is attached multi-family. The comprehensive plan also gave a second choice of single family in PUD as an option for the site. Staff stated that the proposal could be considered, as conforming to the Comprehensive Plan per the proposed use.

Staff stated that there were some issues with the Preliminary Development Plan or PDP. The current plan does not conform to the standards in the Painesville Township Zoning Resolution. Staff stated that it does not have a 35 foot buffer. The owners control over 250 feet of frontage, but it is divided into three lots. The plan does not have the 4.4 acres of open space required by the regulations and the density is based on gross acres as opposed to net acres, which gives them an additional 13 lots. Staff mentioned that there are issues with cul-de-sac length and street names, which are subdivision issues.

Painesville Township Zoning Resolution now allows developers to submit plans that are not to standard and request that the plans be accepted based on “the best interests of orderly development in Painesville Township. The Zoning Inspector is required to report on issues that the plan does not conform. He has stated there are issues with open space, lot width (not enough frontage for cul-de-sac lots), setback and clearances (distances between buildings are below minimum and taken foundation to foundation and not overhang to overhang, corner lot setbacks (corner lots in the development are odd shaped), FPUD side and rear clearances (no perimeter buffer) and minimum dwelling unit (not stating that minimum of 800 square feet is required on the first floor of a two story structure).

Staff recommended that the change be made to FPUD because that is in conformance with the Painesville Township Comprehensive Plan. But the design that was presented needs to be amended. Staff recommended that the developer provide the minimum frontage for cul-de-sac lots, required open space and the perimeter buffer on the side with the R-4 Condominiums. The developer should be required to base the density on the net acres and required to explore an emergency egress/ingress into the development.

Staff stated that 70 or 83 lots may be too many for one entrance, but there are limitations to the site. There are no temporary cul-de-sacs attaching to the site and everything around it is subdivided. The developer could look to buying an easement on a vacant lot on Kingsborough or buying an easement from the condominium development to the west. Staff hands may be tied in regards to forcing the issue. The committee agreed that was an issue.

The Committee discussed various issues brought up by staff and the Painesville Township Zoning Inspector. It was mentioned that the reduced setbacks made it difficult for firefighting. They would not be able to put ladders up on the side of the structures safely. The Painesville Township Zoning Inspector discussed the possibility that the roads would not be public, but private streets. The committee also discussed that the land owners along Fairfield would like to have a buffer from the new housing.

The Committee asked if the other residential care facility has started and staff stated yes. The Committee made a comment that the Township created this district for these types of uses.

Mr. Klco made the motion to recommend the district amendment with the recommendation that the developer provide the minimum side setbacks from overhang to overhang, minimum frontage for cul-de-sac lots, required open space and the perimeter buffer. The developer should be required to base the density on the net acres and be required to explore an emergency egress/ingress into the development.

Mr. Terriaco seconded the motion.

All voted “Aye”.

Motion to amend passed.

Painesville Township – Text Amendment 6.16, 6.19, 22.04 and 22.06 B

Staff stated that Painesville Township was adding lighting requirements, definitions for Clothing Donation Bins/Drop Boxes and Paper Recycling Bins. They were also adding requirements for the new uses and adding language to change how residential districts are referenced in Section 22.

Staff stated that, currently, there are lighting standards in Section 22.12 C, but they only are effective in B-1, B-2 and B-3. Adding lighting standards to the residential districts may create issues for the Zoning Inspector in the future. The Zoning Inspector may be dragged into disputes between neighbors.

He mentioned that the definitions should be in Section 5 – Definitions and the definition names should correspond to the title. The language submitted has “Clothing Recycling Bins/Drop Boxes”. In the definition provided, it is referred to as “Clothing Donation Bins”.

Staff stated that Madison Township created a definition of Donation Box and he stated the definition of “Unattended container, receptacle or similar devices used for soliciting and collecting donations of clothing, books, school supplies or other personal property. Donation boxes are for non-profit organizations that are listed as 501 C 3 by the United States IRS.”

He stated that many communities referred to this use as “Donation Bins”. These bins can accept toys and household goods as well as clothing and shoes. Madison Township has two types of donation boxes, smaller ones that are stand alone and larger ones that are in conjunction with a facility. He was concerned about paper recycling bins. He felt that paper recycle bins are just a dumpsters. The current regulations would allow it to be placed anywhere, so long as it did not interfere with pedestrian and vehicular circulation.

Staff recommends not accepting the lighting regulations as submitted. These regulations already exist for commercial districts. Or, only accept regulations for commercial, industrial, community service, multi-family (both R-3 and FPUD) and non-residential uses in the residential districts. Then delete 22.12 C.

Staff also suggested moving the definitions to Section 5 – Definitions and consider using a similar definition as Madison Township’s and reference organizations that are listed as 501 C 3 by US IRS as a standard for being allowed to have a donation box. Staff prefers the name “Donation Bin” and recommended calling the use “Donation Bin” and not Clothing Recycling Bins/Drop Boxes. If Painesville Township does not like the term, then please make sure that the definition and requirements use the same term.

Painesville Township should consider limiting the number of donation boxes per zoning lot. Staff stated that paper recycling are dumpsters. They should have different rules than donation bins. They should have similar rules to dumpsters, Section 22.10 B.

The Committee did not discuss the issue.

Ms. Diak made the motion to recommend the text amendment be made with staff’s recommendations.

Mr. Klco seconded the motion.

All voted “Aye”.

Motion passed.

Painesville Township Section 29 – Parking

Staff stated that the amendment involved dividing Section 29.01 into an “A” and a “B” and moving language on how long an unlicensed or inoperable vehicle may remain on a zoning lot from 29.11 B to 29.01 B. Painesville Township was adding a reference to the new bicycle section in Section 29.04, they were adding a minimum number of parking spaces for bicycles, and adding new requirements that will require bicycle parking for any

civic, commercial, industrial or multi-family use. These requirements include the number of spaces required, location of spaces and design standards. They also are defining "Bicycle Parking Space" and "Bicycle Rack".

Goal TR-1 states that the transportation networks will accommodate pedestrian and non-pedestrian transportation. Staff stated that the Comprehensive Plan states that the community should work towards accommodating bicycles in the transportation network and adding places to securely lock up bicycles is a logical step in working towards implementing the Comprehensive Plan.

Staff stated that there may be issues requiring bicycle parking with the fact that the roads in Painesville Township are not very bicycle friendly. Staff showed a map of bicycle routes from NOACA. NOACA has rated Mentor Avenue and Fairgrounds Road as suitable for experienced riders only. He mentioned that this map was created prior to Mentor Avenue being widened to four lanes. The expansion of Mentor Avenue did not include bike lanes. By definition and by ORC, bicycles are vehicles and they are not meant to be ridden on sidewalks.

North Ridge Road was rated as not suitable for bicycles and most of the other roads in Painesville Township are suitable for bicyclists with intermediate skills. Staff mentioned that there is a cross country trail running through Lake County and Painesville Twp.

The Lake County General Health District is studying making Painesville Township more bicycle friendly. They have received a TLCI Grant to study making the community more bicycle friendly.

Staff recommended adding definitions, locations, and design standards. This would allow property owners to add bicycle spaces if they desire. Staff recommends not requiring bicycle parking at this time. Painesville Township is not bicycle friendly enough to require bicycle parking. There may be push back from the property owners. Staff suggested moving the definitions to Section 5 – Definitions and remove the reference to 29.11 B in Section 29.04.

The Committee discussed that it would be important to leave the reference to bicycle parking in the required parking table because it showed that it is required.

Mr. Kenyon made the motion to recommend the text amendment with staff recommendations.
Mr. Klco seconded the motion.

All voted "Aye".
Motion to amend passed.

There was no other business. There was no public comment.

The meeting adjourned at 7:30 PM.